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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,755	12/13/2001	Erik Lipson	LPN-10203/03	5227

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/30/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

10/022,755

Applicant(s)

LIPSON, ERIK

Examiner

Stephen J. Castellano

Art Unit

3727

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 November 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet



Stephen J. Castellano
Primary Examiner
Art Unit: 3727

Continuation of 9. Other (including any explanation in support of the above items): Item 1: The conclusion of appellant's remarks is listed as item 9 (IX) rather than the claims appendix being labeled as item 9.

Item 5: The brief contains an oversimplification of the issues. The final rejection includes six separate grounds of rejection. Appellant establishes three issues (A-C), none of appellant's issues correspond to a separate ground of rejection. Upon reading appellant's argument, it seems that appellant's issues correspond to more than a single ground of rejection which is improper. Appellant should establish six issues, each corresponding to a ground of rejection.

Item 6a: Appellant states "appellant groups claims 1-11 together, and will argue separately for the patentability of claim 12." Appellant has not stated that one or more claims "do not stand or fall together" as required. Note item 6b. If the claims do not stand or fall together, then, for each issue on appeal, identify whether the claims stand or fall together or do not stand or fall together. If the claims do not stand or fall together, specifically identify, for each issue, which claims are grouped together as standing or falling together and which claims stand or fall by themselves. For each issue, appellant must provide a separate argument for each grouping stating why that grouping is separately patentable should the other groupings be deemed unpatentable.

Item 7: The argument headings (A-D) do not correspond to the issues (A-C), eg., Issue A pertains to "Can the straw disclosed in Andreozzi have a second end ,,,,," while argument A pertains to "the examiner's rejections."

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